

Message Text

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PAGE 01 EC BRU 04349 01 OF 02 302226Z

53

ACTION EUR-12

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LIMITED OFFICIAL USE SECTION 1 OF 2 EC BRUSSELS 4349

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SUBJECT: APRIL 29-30 US/EC CONSULTATIONS--GENERAL PLENARY
DISCUSSIONS AND BILATERAL TRADE ISSUES

1. BEGIN SUMMARY: THE TWELFTH ROUND OF SEMI-ANNUAL US/EC
CONSULTATION

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WAS HEDL IN BRUSSELS ON APRIL29-30. THE CONSULTATIONS WERE FRANK IN
TONE AND CLARIFIED US/EC POSITIONS ON A NUMBER OF OUTSTANDING ISSUES.
THE DISCUSSION FOCUSED ON BILATERAL TRADE ISSUES, ESPECIALLY AUTO
ANTIDUMPING INVESTAGATIONS, US SOYA EXPORTS, ARTICLE 301 COMPALINTS
AND SPECIALTY STEEL IMPORTS, AND ON COORDINATION FOR UNCTAD IV AND TH
E

SECOND PHASE OF THE NORTH/SOUTH DIALOGUE (CIEC), AS WELL AS
EXTENSION

OF THE OECD TRADE PLEDGE. THIS MESSAGE REPORTS ON GENERAL PLENARY
COMMENTS AND ON BILATERAL TRADE ISSUES. SEPARATE MESSAGES REPORT
ON

NORTH/SOUTH RELATIONS, THE AUTO ANTI-DUMPING INVESTIGATIONS AND
RESTRICTED DISCUSSIONS OF VARIOUS INTERNATIONAL POLITICAL ISSUES.
END SUMMARY.

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PAGE 02 EC BRU 04349 01 OF 02 302226Z

2. PARTICIPANTS: THE SEMI-ANNUAL US/EC CONSULTATIONS WERE HELD IN BRUSSELS ON APRIL 29-30. COMMISSION VICE PRESIDENT SOAMES AND ASSISTANT SECRETARY HARTMAN LED THE PLENARY DISCUSSIONS. HIJZEN, COMMISSION DIRECTOR GENERAL FOR EXTERNAL AFFAIRS, AND AMBASSADOR YEUTTER HEADED UP THE WORKING PARTY DISCUSSIONS ON BILATERAL TRADE ISSUES. WELLENSTEIN, EC CO-CHAIRMAN OF THE CIEC DEVELOPMENT COMMISSION, AND ASSISTANT SECRETARY GREENWALD CHAIRED THE WORKING PARTY ON NORTH/SOUTH RELATIONS. OTHER COMMISSION PARTICIPANTS WERE COMMISSIONERS GUNDELACH AND LARDINOIS; RABOT, AGRICULTURE DIRECTOR GENERAL; WILLIAMS, ENERGY DIRECTOR GENERAL; LOEFF, INDUSTRY DEPUTY DIRECTOR GENERAL; SPAAK OF THE WASHINGTON EC MISSION; DURIEUX, A DIRECTOR FOR DEVELOPMENT; BOYER DE LA GIRODAY, DIRECTOR OF NONETARY AFFAIRS; AND CASPARI, GALLAGHER, MEYNELL, FIELDING, GOODCHILD AND ARCHIBALD OF THE EXTERNAL RELATIONS DIRECTORATE GENERAL, AS WELL AS OTHERS. ON THE US SIDE, OTHER PARTICIPANTS WERE ASSISTANT SECRETARY MACDONALD AND RAY OF TREASURY, DEPUTY UNDER SECRETARY SEGALL OF LABOR, ABBUHL OF COMMERCE, FRASER OF AGRICULTURE, PREEG AND BOERNER OF STATE, AMBASSADOR HINTON AND USEC STAFF.

3. CENTRAL THEMES: COMING IN THE MIDST OF SEVERAL MAJOR TRADE DISPUTES AND JUST BEFORE UNCTAD IV, THE CONSULTATIONS FOCUSED ON BILATERAL TRADE ISSUES AND DEVELOPING A COMMON APPROACH FOR NAIROBI AND THE SECOND PHASE OF THE NORTH/SOUTH DIALOGUE. BOTH PARTIES AGREED ON THE NEED TO DEAL RESPONSIBLY WITH PROTECTIONIST PRESSURES WHILE RECOGNIZING THAT A HEARING HAD TO BE GIVEN TO LEGITIMATE REQUESTS FOR SPECIFIC RELIEF. SOAMES UNDERLINED THE NEED TO MANAGE TRADE ISSUES, ESPECIALLY PENDING US AUTO ANTI-DUMPING INVESTIGATIONS, SO AS TO MINIMIZE DAMAGE TO US/EC RELATIONS. THE US SIDE EMPHASIZED THE IMPORTANCE OF THE TERMINATION AND A SATISFACTORY SOLUTION OF THE SOYBEAN PROBLEMS. THOUGH NEITHER WAS ABLE TO PUT FORWARD DEFINITE POSITIONS, BOTH SIDES INDICATED THEIR PRELIMINARY VIEWS WERE CLOSE ON MAJOR CIEC AND UNCTAD ISSUES AND THEY WOULD CONTINUE TO CONSULT CLOSELY ON THESE MATTERS. ASSISTANT SECRETARY HARTMAN EXPLAINED THE ABSENCE OF DEPUTY SECRETARY ROBINSON WHO REGRETTED INABILITY TO ATTEND. SOAMES NOTED EACH CONSULTATION HAD HELPED INCREASE UNDERSTANDING AND THEREBY STRENGTHENED US/EC RELATIONS.

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PAGE 03 EC BRU 04349 01 OF 02 302226Z

4. BILATERAL TRADE ISSUES: ALL AGENDA ITEMS WERE DISCUSSED BY THE BILATERAL TRADE WORKING GROUP, THE PLENARY OR RESTRICTED SESSIONS. THE BULK OF THE TIME WAS SPENT ON NON-FAT DRY MILK, ARTICLE 301 TRADE COMPLAINTS AND US ANTI-DUMPING

PROCEDURES FOR AUTO CASES. THE PLENARY REVIEWED THE WORKING GROUP RESULTS AND DISCUSSIONS IN BOTH GROUPS ARE INCLUDED IN THIS REPORT.

5. OECD TRADE PLEDGE: THE COMMISSION (HIJZEN) RAISED IN THE PLENARY MEETING ITS DESIRE TO EXTEND THE CURRENT OECD TRADE PLEDGE FOR ANOTHER YEAR. WHILE IT HAD NOT YET CONSULTED WITH MEMBER STATES, THE COMMISSION STAFF TENTATIVELY PREFERS NOT TO MODIFY THE TEXT OF THE PLEDGE FOR THE PRESENT BECAUSE IT FEARS THAT ANY EFFORT TO CHANGE THE TEXT WOULD RUN THE RISK OF RENEWING OLD DISPUTES WHICH COULD PREVENT THE OECD FROM REACHING AN AGREEMENT. THE COMMISSION RECOGNIZED THE CURRENT TEXT IS INADEQUATE AND ITS PROLONGATION WOULD FACILITATE CLAIMS BY SOME PARTICIPANTS WHICH HAVE TAKEN RESTRICTIVE MEASURES, SUCH AS AUSTRALIA, THAT THEY ARE ABIDING BY THE PLEDGE. NEVERTHELESS, ON BALANCE, THE COMMISSION BELIEVES IT IS POLITICALLY IMPORTANT TO EXTEND THE PLEDGE WITHOUT CHANGE FOR ONE YEAR AND PERHAPS LOOK AT IT MORE CLOSELY NEXT YEAR. THE US SAID IT WAS CURRENTLY CONSIDERING ITS POSITION ON THIS ISSUE, BUT AGREES WITH THE JUDGEMENT THAT IT WOULD BE POLITICALLY BENEFICIAL TO EXTEND THE PLEDGE, IN SPITE OF ITS SHORTCOMINGS. THE US VIEWS ARE SIMILAR TO THOSE OF THE COMMISSION, BUT IT WAS LESS CERTAIN THAT NO CHANGE IN WORDING IS POSSIBLE. IT EXPECTS TO REACH A DECISION SHORTLY

6. US SOYA EXPORTS: IN THE WORKING GROUP, AMBASSADOR YEUTTER URGED THE FOLLOWING MEASURES TO HELP RESOLVE THE DISPUTE OVER THE EC MFDM MIXING REGULATION: (1) EC COMMITMENT TO END THE PROTEIN CERTIFICATE SYSTEM BY OCTOBER 31; (2) EC MEASURES TO LIMIT EC PRODUCTION OF NFDM; (3) A LONG-TERM RPT LONG-TERM SOYBEAN MEAL STORAGE SCHEME LARGER THAT THE COMMISSION HAS NOW PROPOSED; (4) EC COMPENSATION FOR DAMAGE CAUSED TO US TRADE. HIJZEN RESPONDED TO THE WORKING GROUP THAT CONTRARY TO WHAT HE HAD IN ERROR TOLD A REFENT CONGRESSIONAL DELEGATION (EC BRUSSELS 3933), THE EC COMMITMENT WAS TO TERMINATE THE SYSTEM ON OCTOBER 31 ONLY IF THEY HAD DISPOSED OF 400,000 LIMITED OFFICIAL USE

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PAGE 04 EC BRU 04349 01 OF 02 302226Z

MT OF NFDM. IN ANY CASE, 400,000 MT WAS THE ABSOLUTE LIMIT. THE EC COULD GIVE NOT DETAILS ON WHAT MEASURES THE COUNCIL MIGHT ADOPT TO LIMIT DAIRY SURPLUSES BUT STRESSED THAT THE CONCIL OF MINISTERS HAD ALREADY TAKEN A DECISION TO ADOPT REMEDIAL LONG-TERM MEASURES THIS JULY. THE EC ALLEGED THAT ITS NFDM FEEDING SCHEME WILL ONLY HAVE A MARGINAL AND TEMPORARY IMPACT ON US EXPORTS.

IT

ADDED THAT FINDING SATISFACTORY SOLUTION COULD BE COMPRMISED IF THE US PRESSED FOR COMPENSATION FOR TRADE DAMAGE INVOLVED. IF THE US PERSISTED IN THAT POSITION, IT WOULD BE MORE DIFFICULT

TO ARGUE WITHIN THE COMMUNITY FOR MAKING THE MIXING REGULATION
A ONE-TIME AFFIAN OR FOR ESTABLISHING A WORKABLE STOCKING
SCHEME. THE EC ASKED THAT THE US, INSTEAD, TAKE INTO ACCOUNT ITS
NEED TO REDUCE THE COMMUNITY'S NFDN MOUNTAIN. THE EC DID NOT WISH
TO TRY TO SOLVE THIS PROBLEM BY DUMPING ITS SURPLUS IN THE WORLD
MARKET AND FURTHER DEPRESSING WORLD PRICES. THE COMMISSION THEN
ASKED

HOW
IMPORTANT THE STORAGE SCHEME WAS TO THE US AND WOULD THE
IMPLEMENTATION OF THIS SCHEME BE INFLUENTIAL IN DETERMINING
HOW THE US PURSUES THIS CASE IN THE GATT. THE EC ALSO ASKED IF
THE US WOULD SEEK COMPENSATION IF IT WAS SHOWN THAT THE DAMAGE
INVOLVED WAS IMMINENT. THE US REPLIED THAT ITS POSITION DEPENDED
ON WHAT THE EC DID ABOUT THE FOUR POINTS MADE BY YEUTTER AND THAT
LONG-TERM MEASURES SHOULD BE AT
LEAST PARTIAL COMPENSATION. THE GROUP AGREED THAT THE
ARTICLE XXIII(1) DISCUSSIONS WOULD CONTINUE IN AN EFFORT TO FIND
A SOLUTION.

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PAGE 01 EC BRU 04349 02 OF 02 011550Z

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LIMITED OFFICIAL USE SECTION 2 OF 2 EC BRUSSELS 4349

7. ARTICLE 301 COMPLAINTS: THE US SUGGESTED THAT THE US AND
EC MIGHT DISCUSS EITHER WASHINGTON OR BRUSSELS THE SIX

PENDING COMPLAINTS WHICH INVOLVE THE EC. THE COMMISSION AGREED TO EXCHANGE VIEWS ON MOST OF THE OUTSTANDING COMPLAINTS BUT EXPRESSED SERIOUS CONCERN OVER THE GROWING NUMBER OF THESE COMPLAINTS

AND THE ATTACK ON EC EXPORT SUBSIDIES. HIJZEN SAID THAT THE EC RECOGNIZED THAT THE US LAW EXISTS, BUT IT CONTAINS A DIFFICULT CONCEPT. IT ALLOWS ANY CITIZEN TO OPEN A PROCEDURE BASED ON A COMPLAINT OF "UNFAIRNESS," WHICH IS NOT A CLEAR STANDARD. THE PRESIDENT IS THE JUDGE, AND THOUGH THE EC HAS CONFIDENCE IN HIM, IT DOES NOT UNDERSTAND HOW THE US CAN EXPECT TO BE THE SOLE JUDGE IN INTERNATIONAL QUESTIONS WHICH SO VITALLY AFFECT OTHERS. THE COMMISSION DOUBTED THAT FURTHER DISCUSSION ON THE MINIMUM IMPORT (IMP) AND LICENSING SYSTEM OF PROCESSED FRUITS AND VEGETABLES AND EC EXPORT SUBSIDIES ON BARLEY MALT WOULD BE FRUITFUL. THE EC WAS WILLING TO DISCUSS MIP LEVELS BUT NOT EC RIGHTS TO APPLY THEM.

(A) EGG ALBUMEN: THE EC WAS WILLING TO CONSIDER CHANGING ITS REGULATIONS, BUT NOTED THAT US EGG ALBUMEN EXPORTS TO THE EC WERE RELATIVELY LARGE AND INCREASING. THE EC MIGHT CONSEQUENTLY HAVE DIFFICULTY JUSTIFYING SUCH A CHANGE. THE US REPLIED THAT LIMITED OFFICIAL USE

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PAGE 02 EC BRU 04349 02 OF 02 011550Z

AN INCREASE IN TRADE DID NOT MEAN THERE WAS NO UNFAIR PRACTICE INVOLVED. THE EC WAS PREPARED TO CONTINUE CONSULTATIONS

ON THIS ISSUE WHEREVER THE US PREFERRED.

(B) SUGAR ADDED TO CANNED FRUITS: THE EC SAID THAT THE LEVY WAS A PART OF ITS GATT TARIFF SCHEDULE AGREED TO BY THE US AND CONSEQUENTLY CAN BE JUSTIFIED INTERNATIONALLY, BUT IT WAS WILLING

TO HOLD CONSULTATIONS ON THE ADMINISTRATION OF THE LEVY. THE US SUGGESTED THE EC MIGHT ADOPT A SCIENTIFIC SAMPLING TECHNIQUE ON WHICH TO BASE ITS LEVY. THE US ALSO WANTED TO DISCUSS HOW THE EC LEVY WAS CALCULATED. THE EC REQUESTED THAT THE US

GIVE IT A NOTE ON PARTICULARS BEFORE CONSULTATIONS.

(C) WHEAT FLOUR: THE US EMPHASIZED THE IMPORTANCE OF THIS CASE AND THE NEED TO DISCUSS IT. THE EC NOTED THAT THE COMPLAINT OVER SUBSIDIES FOR ITS

FLOUR EXPORTS CONCERNS ONE OF THE BASIS PRINCIPLES OF THE CAP. THE EC SAID ITS SUBSIDIES HAD NOT AFFECTED US EXPORTS. THE EC IS NOT USING ITS SUBSIDIES TO EXPAND INTO NEW MARKETS, BUT TO HOLD ITS OWN. WORLD FLOUR TRADE IS DIMINISHING BECAUSE OF THE NEW

LDC MILLING CAPACITY. THE US COUNTERED WHAT ITS TRADE WAS BEING DAMAGED AND THIS PROBLEM NEEDED TO BE DISCUSSED. THE EC AGREED TO HOLD TECHNICAL DISCUSSIONS, ESPECIALLY ON THE TRADE IMPACT OF THE SUBSIDIES, BUT NOT ON THE ISSUE OF EC EXPORT SUBSIDIES. THE EC ADDED THAT SOME PL 480 FOOD AID CREDITS MIGHT BE DISCUSSED AT THE SAME TIME.

9. EC REBATE OF VAT ON STEEL: THE COMMISSION ASKED WHETHER IT SHOULD BE AN AMICUS CURIAE IN THE CASE CONSIDERING THE US STEEL COMPLAINT. THE US SAID IT WAS RELUCTANT TO GIVE ADVICE ON THIS MATTER. THE EC INCLINATION WAS NOT TO BE AN AMICUS CURIAE BECAUSE IN PRINCIPLE IT FELT THAT IT SHOULD NOT BECOME INVOLVED IN COURT CASES WITHIN OTHER GOVERNMENTS JURISDICTIONS. THE COMMISSION, HOWEVER, WAS READY TO ASSIST THE USG IN DEFENDING THE CASE IN ANY USEFUL FASHION.

10. FLOAT GLASS COUNTERVAILING DUTIES: THE COMMISSION ASKED IF THE ADDITIONAL INFORMATION PROVIDED BY ITALY WOULD ASSIST THE US IN REVIEWING ITS DETERMINATION THAT ITALIAN SUBSIDIES WERE BEING PAID ON FLOAT GLASS. THE US SAID THE INFORMATION FURNISHED LIMITED OFFICIAL USE

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PAGE 03 EC BRU 04349 02 OF 02 011550Z

ON MARCH 26 WAS HELPFUL BUT WAS STILL INCOMPLETE. TREASURY CONSEQUENTLY COULD NOT COMPLETE ITS REVIEW OF THIS CASE UNTILL IT RECEIVED ALL THE INFORMATION WHICH IT HAD REQUESTED.

11. COST ESCALATION INSURANCE SCHEME: THE COMMISSION INFORMED US OF ITS DECISION OF APRIL 29 TO SEND TO THE EC COUNCIL A DRAFT DIRECTIVE CALLING FOR A THREE-YEAR PHASE-OUT OF MEMBER STATE COST ESCALATION SCHEMES. THE COMMISSION CONSEQUENTLY WAS NOW PREPARED TO SUPPORT US EFFORTS TO TAKE UP THIS ISSUE UNDER THE GATT. THE COMMISSION COULD NOT SPECULATE ON HOW THE EC COUNCIL MIGHT REACT TO THIS PROPOSAL. (COMMENT: EC OFFICIALS PRIVATELY SAY THEY DO NOT EXPECT PROMPT COUNCIL ACTION ON THE DIRECTIVE.) COMMISSION OFFICIALS ADDED THAT THEY WERE PERTURBED THAT THE US WANTED TO WORK WITH THE COMMISSION ON THIS EXPORT CREDIT ISSUE BUT NOT ON THE "GENTLEMEN'S AGREEMENT." IT IS DIFFICULT TO BE SYMPATHETIC WITH THE US GOVERNMENT'S PICKING AND CHOOSING SOME ISSUES ON WHICH TO WORK WITH THE COMMISSION BUT DECIDING TO WORK ONLY WITH SELECTED MEMBER STATES ON OTHER ISSUES. THE US SAID IT INTENDED TO WORK CLOSELY WITH THE COMMISSION ON TRADE MATTERS BUT WAS NOT RESPONSIBLE FOR EC MEMBER STATES VIEWS ABOUT THE EXPORT CREDIT ISSUE.

12. EC/EFTA RULES OF ORIGIN: THE US REGISTERED ITS CONTINUING CONCERN

OVER THE RESTRICTIVE IMPACT OF EC/EFTA RULES OF ORIGIN ON US EXPORTS. THE COMMISSION SAID THAT IT WAS ALSO NOT SATISFIED WITH THESE RULES, HAD MADE THREE LIBERALIZING PROPOSALS AND INTENDED TO LIBERALIZE THEM FURTHER. THE EC ASKED FOR SPECIFIC CASES IN WHICH THESE RULES WOULD IMPEDE US TRADE. THE US AID THAT IT ALREADY SUBMITTED 50 SUCH CASES BUT WOULD ENDEAVOR FURTHER TO ILLUSTRATE CONCRETE PROBLEMS.

13. SPECIALTY STEEL: THE US/EC AGREED TO CONTINUE DISCUSSTIONS ON THIS ISSUE AT THE CONSULTATIONS SCHEDULED FOR MAY 10-11.
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